

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

CRIM. NO. 24-25 (ECT/TNL)

---

United States of America,

Plaintiff,

v.

Jon Michael Ask,

Defendant.

---

**DEFENDANT'S SECOND MOTION  
TO SUPPRESS STATEMENTS**

Defendant Jon Michael Ask has previously moved for the suppression of certain statements. (*See* ECF Doc. 26.) In addition to the statements named in that motion, Mr. Ask now moves the Court for an order under Rule 12(b)(3) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3501 suppressing another statement taken in violation of Mr. Ask's constitutional rights.

In addition to the previously named statements, Mr. Ask moves for the suppression of a statement taken on May 21, 2023, when Mr. Ask was the passenger in a car stopped by police. Officers investigated and found drug evidence in the car. Mr. Ask showed signs of being significantly impaired, but officers nonetheless got a statement from him. Although a *Miranda* warning was provided, that was not sufficient to make the statement voluntary under the Fifth Amendment. The government bears the burden of proving the validity of a

*Miranda* waiver by a preponderance of the evidence. *See United States v. Haggard*, 368 F.3d 1020, 1024 (8th Cir. 2004). In determining whether a waiver was made voluntarily, knowingly, and intelligently, the Court must determine, first, whether the waiver was “the product of a free and deliberate choice rather than intimidation, coercion, or deception,” and second, whether the suspect waived his rights “with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.” *See United States v. Vinton*, 631 F.3d 476, 483 (8th Cir. 2011) (citation omitted). As part of this analysis, the Court “must examine both ‘the conduct of the law enforcement officials and the capacity of the suspect to resist pressure to confess.’” *United States v. Syslo*, 303 F.3d 860, 866 (8th Cir. 2002) (quoting *United States v. McClinton*, 982 F.2d 278, 282 (8th Cir. 1992)). Here, Mr. Ask’s obvious and severe impairment made his statement involuntary, and he therefore asks the Court to order the suppression of that statement.

Respectfully submitted,

Dated: June 27, 2024

/s/ Steven J. Wright  
Minnesota Attorney #387336  
331 Second Avenue South #705  
Minneapolis, MN 55401  
(612) 669-8280

Attorney for Defendant